

Appln. No. 10/041,094

Attorney Docket No. 10541-183

## II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 9-15 and 18-22 remain pending.

### *Claim Rejections - 35 U.S.C. §103(a)*

The pending claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over prior art figures 1-3 of the present application in view of U.S. Patent No. 626,515 to Whitney ("Whitney"). Applicant respectfully traverses this rejection.

Applicant suggests that a *prima facie* case for obviousness has not been established by the examiner. "The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP §2142. The examiner has not provided factual support that the subject matter of the pending claims would have been obvious at the time of the invention to a person of ordinary skill in the art. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte*, Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicants respectfully submit that a pinion gear with radially projecting pins that are rotatably mounted and coupled to a second end of an assist pinion, where the opposing end of the assist pinion engages and drives a rack of a power assisted steering system, is not taught or suggested the cited prior art figures or cited

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reference. In Whitney, the roller gear is driven by a shaft and the teeth of the roller gear drive a worm that is the output shaft of a mowing machine. This is contrary to the present invention where the roller pins are an input mechanism into the drive system, not an output. Neither does the Examiner provide a line of reasoning, supported by facts, that shows the limitations discussed above would have been obvious to one of ordinary skill in the art at the time of the invention. Accordingly, Applicants respectfully submit that claims 9-15 and 18-22 are patentable over the cited combination.

It is also again suggested that the long absence of the claimed invention in the known technology is evidence of the non-obviousness of the present invention. As stated in Applicants last response, Whitney issued over 100 years ago and power assisted steering systems have existed for decades. The examiner attempts to counters this by saying that the absence of teaching in the art on this point just means no one has gotten a patent on the combination. Applicants assert that the relevant teachings of the art extend well beyond the patent literature. Not only has the invention not been seen in the patent literature, but it has also not been seen in trade journals, automotive magazines, advertisements or actual vehicle production.

Automotive technology is published worldwide in a multitude of trade journals, shows, repair manuals and advertisements. In fact, the details of automotive technology are one of the most widely published and advertised technologies. It is an industry where friction loss gains result in better handling and feel in the vehicle, not to mention fuel economy. Because of this, one would have expected the advancement proposed by the present invention to have been widely touted in the automotive journals, press and advertising. The absence of any such publication is a glaring defect in the line of reasoning that present invention is merely an obvious

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modification. In view of the proffered benefits of the invention, the lack of any such mention of the claimed technology in the automotive press, since Whitney 100+ years ago and the introduction of power assisted steering decades ago, must necessarily lead one to conclude that the present invention is, in fact, non-obvious.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

October 6, 2006  
Date

  
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Attachment: None

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